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May 20, 1993

RECEIVED

MAY 20 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**VIA HAND DELIVERY**

Ms. Donna R. Searcy  
Secretary,  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation  
on Behalf of the  
American Petroleum Institute  
ET Docket Nos. 90-314 and 92-9

Dear Ms. Searcy:

This correspondence concerns the above-captioned Notice of Ex Parte presentation. This Notice was filed at the Commission on May 5, 1993, pursuant to discussions held among several senior Commission staff members and representatives of the American Petroleum Institute ("API") concerning the Commission's 2 GHz spectrum reallocation proceedings.

Based on discussions with staff research personnel of the Commission's Office of Managing Director ("OMD") it has come to our attention that the notification of the Ex Parte presentation which was entered in the Commission's official docket files for these proceedings has, in processing, been separated from the presentation summary which was attached to the Notice. Accordingly, retransmitted herewith, in duplicate, is a photocopy of the "stamp received" transmittal letter of May 5, 1993, as well as the attachment which describes API's presentation. In order to facilitate placement of this item into the Commission's official docket files, we are simultaneously hand-delivering additional copies of this item to the Commission's docket file room.

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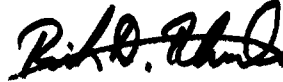
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Ms. Donna R. Searcy  
May 20, 1993  
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Should the Commission have questions concerning this matter,  
kindly contact the undersigned directly.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick D. Rhodes". The signature is stylized with a large, looped "R" and a cursive "D".

Rick D. Rhodes

Enclosures

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Ms. Donna R. Searcy  
May 5, 1993  
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Please place a copy of this letter in the public files for  
the proceedings referenced above.

Very truly yours,

## Presentation to FCC Senior Staff

May 5, 1993

- I. ET Docket 92-9 -- Emerging Technologies: This proceeding details the proposed transition plan by which the 2 GHz spectrum bands would be reallocated to "emerging technologies" and in which rechannelization of spectrum above 3 GHz is proposed to reaccommodate displaced 2 GHz Operational-Fixed Service (OFS) licensees.

- A. Length of Transition Period

API believes the public interest will be served by a lengthy voluntary transition plan. A minimum of five years is recommended. Such a transition will allow critical safety-related operations now conducted in the target spectrum to continue without undue disruption, and will ensure that incumbent licensees have adequate time to carefully plan migration to other spectrum assignments or to substitute technologies.

- B. Compensation

Any displaced incumbent licensee must be ensured that compensation for migration costs will be adequate. Compensation must include such factors as time of in-house personnel on re-engineering and re-design of transmission systems as well as all costs of providing interface in multilink systems where only one or a limited number of links are replaced. Additionally, all new spectrum or replacement technologies selected to replace 2 GHz assignments must be fully comparable

and analysis must be performed to ensure that adequate and workable standards may be created. It is suggested that the TIA is the appropriate body for establishing interference criteria.

D. Replacement Spectrum

The Commission must make every effort to obtain additional spectrum from the federal government 1.7 GHz band as replacement spectrum for displaced OFS licensees. In certain instances, assignments from this band will represent the only feasible option for migration of fixed links.

E. Rechannelization

Rechannelization of spectrum above 3 GHz must be performed in such a way that the needs of incumbent licensees are met. API has no a particular preference for any of the plans put forth to date, provided that OFS incumbent needs are fully met. API is concerned that some spectrum must remain available in the 4 GHz range for narrowband operations since traffic levels may be insufficient to meet usage requirements for wideband assignments. This is particularly critical in that spectrum in the 4 GHz range represents the "next best" long haul spectrum option for displaced 2 GHz OFS licensees, with the exception of federal government spectrum in the 1.7 GHz band. API encourages the Commission to evaluate the proposed plans carefully and to adopt a plan which will maximize competition among microwave equipment manufacturers.

II. ET Docket No. 90-314 -- Issues presented in this proceeding include the introduction of personal communications service (PCS) in the band 1850-1990 MHz.

- A. Any reallocation of the band 1850-1990 MHz for shared PCS/OFS use must be performed only upon the adoption of proper interference standards. As in the 92-9 proceeding, stringent interference standards must be adopted to permit PCS and OFS operators to co-exist with minimal disruptions to critical OFS safety-related operations. The Commission must provide early assurance that a workable interference standard will be adopted and strictly enforced in a shared spectrum environment. Again, API suggests that the TIA Committee is the appropriate body to recommend an interference standard to the Commission.

- B. API believes the Commission must reevaluate early deployment of unlicensed PCS (data-PCS) in the band segment 1910-1930 MHz. API agrees that a "band clearing" approach must be taken for data-PCS since interference created by multiple unlicensed operators will be impossible to trace, making spectrum sharing an impossibility. However, the Commission must not act hastily since a significant number of licensees operate sensitive petroleum monitoring and other safety-related operations in this band segment. Moreover, this band segment has often proved to be the "last best hope" for OFS licensees to obtain adequate long-haul microwave assignments in spectrum crowded areas. Accordingly, proposals by several data-PCS proponents -- most notably Apple -- to simply allow an industry committee to raise funds and bring about a "practically instant" relocation of fixed microwave licensees from the band to other portions of the 2 GHz band is not workable. The Commission must clear this band segment by employing techniques similar to those suggested by API in the Docket 92-9 transition plan, with perhaps a slightly shorter time table for clearance. The Commission must also adopt stringent band edge buffer zones to protect OFS licensees operating on adjacent channels from unlicensed PCS interference generated in the 1910-1930 MHz band segment. Further, certain parties have suggested advanced exclusion zone approaches which the Commission should review as a means to enhance protection of OFS licensees operating near the band edges from PCS-created interference. All transition from present spectrum assignments by incumbent licensees to accommodate data-PCS must be fully compensated by the data-PCS industry. Manufacturers of unlicensed PCS devices must establish an escrow fund containing adequate resources to pay for all migration costs of incumbent licensees prior to any reallocation of this band segment.